

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHOD AND APPARATUS FOR DOCUMENT STORAGE, ORGANIZATION AND DISPLAY.

The specification of which was filed on August 13, 1997 as application serial no. 08/910,909.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37 Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such applications have been filed.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

No such applications have been filed.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Forrest, Bradley A.	Reg. No. 30,837	Litman, Mark A.	Reg. No. 26,390
Arora, Sunel	Reg. No. P-42,267	Hale, Jeffrey D.	Reg. No. 40,012	Lundberg, Steven W.	Reg. No. 30,568
Bernkopf, Paul A.	Reg. No. P-41,615	Harris, Robert J.	Reg. No. 37,346	McCrackin, Ann M.	Reg. No. P-42,858
Bianchi, Timothy E.	Reg. No. 39,610	Hofmann, Rudolph P., Jr.	Reg. No. 38,187	Polglaze, Daniel J.	Reg. No. 39,801
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Provence, David L.	Reg. No. P-43,022
Brennan, Thomas F.	Reg. No. 35,075	Huebsch, Joseph C.	Reg. No. P-42,673	Schwegman, Micheal L.	Reg. No. 25,816
Brooks, Edward J., III	Reg. No. 40,925	Klima-Silberg, Catherine I.	Reg. No. 40,052	Simboli, Paul B.	Reg. No. 38,616
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Slifer, Russell D.	Reg. No. 39,838
Drake, Eduardo E.	Reg. No. 40,594	Lacy, Rodney L.	Reg. No. 41,136	Terry, Kathleen R.	Reg. No. 31,884
Dryja, Michael A.	Reg. No. 39,662	Leffert, Thomas W.	Reg. No. 40,697	Viksnins, Ann S.	Reg. No. 37,748
Embretson, Janet E.	Reg. No. 39,665	Lemaire, Charles A.	Reg. No. 36,198	Woessner, Warren D.	Reg. No. 30,440
Fogg, David N.	Reg. No. 35,138				

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : Alan Treibitz

Citizenship: United States of America

Residence: Castle Rock, CO, Administration

Post Office Address: 259 Lead Queen Drive
Castle Rock, CO 80104
Administration

Signature: _____

Alan Treibitz

Date: _____

6/3/98

Full Name of joint inventor number 2 : Frederick C. Hill

Citizenship: United States of America

Residence: Parker, CO, Administration

Post Office Address: 10375 Stonewillow Drive
Parker, CO 80134
Administration

Signature: _____

Frederick C. Hill

Date: _____

6/3/98

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: _____

Date: _____

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: _____

Date: _____

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification; and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

ASSIGNMENT

WHEREAS, WE, Alan Treibitz, residing at 259 Lead Queen Drive, Castle Rock, CO 80104, Administration, and Frederick C. Hill, residing at 10375 Stonewillow Drive, Parker, CO 80134, Administration, made certain new and useful inventions and improvements for which We filed an application for Letters Patent of the United States on August 13, 1997, which application was assigned U.S. patent application serial number 08/910,909, and is entitled METHOD AND APPARATUS FOR DOCUMENT STORAGE, ORGANIZATION AND DISPLAY.

AND WHEREAS, Z-Axis Corporation, a corporation organized and existing under and by virtue of the laws of the State of Colorado, and having an office and place of business at 7395 E. Orchard Road, Suite A-100, Greenwood Village, CO 80111-2509, (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

NOW, THEREFORE, to all whom it may concern, be it known that for good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the said Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the said Assignee, its successors and assigns.

AND, for the consideration aforesaid, we do hereby agree that we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the said improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by me/us and that full right to convey the same as herein expressed is possessed by us.

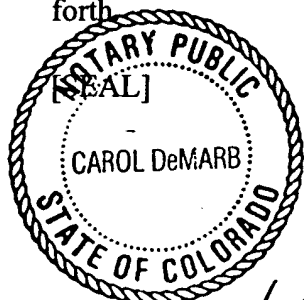
IN TESTIMONY WHEREOF, I have hereunto set my hand this 3rd day of June, 1998.

Alan Treibitz
Alan Treibitz

STATE OF COLORADO
COUNTY OF ARAPAHOE)ss.

On this 3rd day of JUNE, 1998 before me personally appeared Alan Treibitz to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set

forth



Carol DeMarb
Notary Public

My Comm. Expires 12/17/2001

IN TESTIMONY WHEREOF, I have hereunto set my hand this 3rd day of June, 1998.

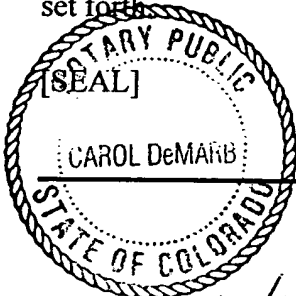
Frederick C. Hill
Frederick C. Hill

STATE OF COLORADO)

COUNTY OF ARAPAHOE) ss.

On this 3rd day of JUNE, 1998 before me personally appeared Frederick C. Hill to
me known and known to me to be the person described in and who executed the foregoing instrument,
and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein

set forth



Carol DeMarb
Notary Public

My Comm. Expires 12/17/2001

SMALL BUSINESS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 C.F.R. 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- a) ☐ the owner of the small business concern identified below:
- b) ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Z-Axis Corporation
ADDRESS OF CONCERN: 7395 E. Orchard Road
Suite A-100
Greenwood Village, CO 80111-2509

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.3-18, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled METHOD AND APPARATUS FOR DOCUMENT STORAGE, ORGANIZATION AND DISPLAY by inventors Alan Treibitz and Frederick C. Hill described in application serial no. 08/910,909 filed August 13, 1997.


If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

NAME _____
ADDRESS _____
a) ☐ INDIVIDUAL b) ☐ SMALL BUSINESS CONCERN c) ☐ NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
a) ☐ INDIVIDUAL b) ☐ SMALL BUSINESS CONCERN c) ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereof, or any patent to which this verified statement is directed.

NAME ALAN TREIBITZ
TITLE PRESIDENT
ADDRESS % Z-AXIS, 7395 E. ORCHARD RD., SUITE A-100, GREENWOOD VILLAGE, CO 80111
SIGNATURE  DATE 6/3/98
W. J. K. & K. R. P.A.

JUN 08 1998